

**CITY OF CENTRAL
CITY COUNCIL MEETING
July 17, 2012**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:08 p.m., in City Hall on July 17, 2012.

ROLL CALL

Present: Mayor Engels
Alderman Spain
Alderman Giancola
Alderman Voorhies
Alderman Lee

Absent: None

Staff Present: Manager Lanning
Attorney Michow
City Clerk Bechtel
Finance Director Flowers
CDD/HPO Thompson
Operations Director Kisselman
Utilities Superintendent Griffith
Police Chief Krelle

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved as presented.

CONFLICTS OF INTEREST

No Council Member disclosed a conflict regarding any item on the agenda.

CONSENT AGENDA

Alderman Spain moved to approve the consent agenda containing the regular bill lists June 28 and July 5, 2012; the June Monthly Report; and the City Council minutes of June 27, 2012. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

NEW BUSINESS

Ordinance No.12-08: *An ordinance of the City Council of the City of Central, Colorado amending certain provisions of Chapter 13 of the Municipal Code concerning Municipal Utilities; specifically regulations pertaining to the City Water System.*

Finance Director Flowers explained that this ordinance will repeal Chapter 13 of the Municipal Code and replace it with revised language to clean up obsolete provisions, create administrative efficiencies and simplify the language and cross referencing so that staff, residents and businesses can more easily access the regulations set forth in Chapter 13.

Chapter 13 of the Municipal Code, which addresses utilities and the City's water system, has become difficult to administer for staff and hard to understand for residents and businesses as a result of numerous code changes in the past. For this reason, staff is asking that Council repeal the entire chapter and replace it with the language contained in Ordinance 12-08. While staff is asking that the entire chapter be repealed and replaced, it is important to note that most of the rules, regulations, and procedures currently in place will remain the same. Adoption of Ordinance 12-08 does not affect water rates in any way. Significant changes to Chapter 13 are summarized as follows:

- Section 13-16 Installation of taps; fees: The City will be approving any plans to install taps and inspecting the tap installation to ensure compliance with City standards.
- Section 13-33 Plan review and approval: A preconstruction meeting between the owner, contractor and City staff will now be held prior to the construction of any main extensions.
- Section 13-58 Billing; late charges and interest; collection: This section has been completely rewritten to formalize the current process under which delinquent accounts are handled. It sets out a process of interest and late fee assessment based upon a 30, 60 and 90 day delinquency. A new section has been added to deal with accounts that are habitually delinquent and gives the City the ability to disconnect water service to these accounts within a condensed time period. The proposed language requires that the utility bill remain in the name of the property owner as any delinquency of the account is tied to the property itself, not a tenant of the property.
- Section 13-86 Appeals: Any decisions made by City staff in the administration and/or enforcement of this Chapter can be appealed before the City Manager. In order to do so, a person must request an appeal in writing. If the appeal is related to nonpayment, the property owner must place 100% of the amount owed on deposit with the City prior to the Manager hearing said appeal.
- Section 13-118 Hydrant Use and Water General: Language regarding the use of the City's Water General system to obtain water has been included in the Chapter and a fee has been added for unauthorized use of a fire hydrant.
- Section 13-124 Yard hydrants: No yard hydrants will be allowed on any premises except under certain conditions.

Utilities Superintendent Griffith explained the problem with yard hydrants is that they are not easily metered and carry a risk of cross contamination to the property owner when the water drains back into the line. Council can consider if they want to grandfather the existing 10-15 hydrants.

Alderman Spain moved to adopt Ordinance No. 12-08: An ordinance of the City Council of the City of Central, Colorado amending certain provisions of Chapter 13 of the Municipal Code concerning Municipal Utilities; specifically regulations pertaining to the City Water System and set a Public Hearing for August 7, 2012 at 7:00 p.m. Alderman Giancola seconded and, without discussion, the motion carried unanimously.

Agreement Concerning Use of Wannamaker Augmentation Station

Manager Lanning explained that we are re-executing this agreement per a request from Coors. This is a budgeted item with a total fiscal impact of \$5,000 annually, subject to potential CPI adjustment (likely 2% - 3% annually).

The background for the agreement is as follows:

Since 1992, the City has owned senior water rights in both the Wannamaker Ditch and the Farmers' High Line Canal near Golden and has used augmentation stations on those ditches as part of its Water Court plan for augmentation. The two structures are owned by Coors, but are used by several municipalities and districts as well as Coors. In 2009, following the sale of Coors to Molson-Coors, Coors asked all parties using the facilities to execute new agreements reflecting the change in ownership. The Agreements were on the same terms and conditions as the then existing agreements. Both new Agreements were approved by the City in April, 2009. However, the Wannamaker Agreement has been misplaced and Coors has requested the City re-execute it on the same terms to provide proper documentation. The action is to have the Mayor re-execute the Agreement that has been misplaced. There is no substantive change in the relationship. This is an important Agreement for the City's water system.

Alderman Voorhies moved to approve the Wannamaker Ditch Agreement. Alderman Spain seconded and, without discussion, the motion carried unanimously.

Resolution No. 12-11: *A resolution of the City Council of the City of Central, Colorado approving an Intergovernmental Agreement between Gilpin County, by and through the Gilpin County Clerk and Recorder, and the City of Central regarding the conduct of a coordinated election.*

City Clerk Bechtel explained that this proposed resolution approves an IGA with Gilpin County for the general election on November 6, 2012. Pursuant to Section 1-7-116(1), C.R.S., if more than one political subdivision holds an election on the same day in November and the eligible electors for each election are the same of the boundary overlap, the County Clerk and Recorder shall conduct the elections on behalf of all political subdivisions. This is in accordance with Section 4.3 of the City's Home Rule Charter and Section 2-1 of the Municipal Code.

Alderman Spain moved to approve Resolution No. 12-11: A resolution of the City Council of the City of Central, Colorado approving an Intergovernmental Agreement between Gilpin County, by and through the Gilpin County Clerk and Recorder, and the City of Central regarding the conduct of a coordinated election. Alderman Giancola seconded and, without discussion, the motion carried unanimously.

STAFF REPORTS

Manager Lanning reminded Council of the work session to discuss the Parking Garage on July 19 and the special meeting on July 24 to cover two agenda items and then move into executive session for the manager's review.

Finance Director Flowers discussed possible dates for budget work sessions in August. Council consensus is for August 23 and 30 beginning at 6:00 p.m.

Operations Director Kisselman explained that the entrance sign project has become a larger and more costly project so we will include this in our budget items for 2013.

COUNCIL COMMENTS

Alderman Voorhies gave kudos to Joe Braccio and the crew for the repair to the culvert on Nevada Street that has been a problem for sometime when we get heavy rains.

Alderman Lee thanked Chief Krelle for the changes to the website and having the information for the public to sign up for the emergency notification system.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

EXECUTIVE SESSION

At 7:48 p.m., Alderman Voorhies moved to go into Executive Session pursuant to C.R.S. Section 24-6-405(4)(b) for purposes of receiving legal advice concerning the Ballowe litigation. Alderman Spain seconded and, without discussion, the motion carried unanimously.

At 8:10 p.m., Alderman Voorhies moved to return to open session. Alderman Spain seconded and, without discussion, the motion carried unanimously.

Alderman Voorhies moved to authorize the City Manager to execute the Nathan Bremer Dumm & Myers Engagement Letter. Alderman Spain seconded and, without discussion, the motion carried unanimously.

Hearing no further business, Mayor Engels adjourned the meeting at 8:12 p.m.
The next meeting will be a special Council meeting scheduled for July 24, 2012 at 6:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk